

MEMORANDUM



*We strive to be
friendly, professional
and fair*

TO: Development Review Committee

FROM: William J. Ammons, Planner
Andrew Omer Trivette,
Sr. Administrator for Environmental Projects

RE: **Amendment to a Minor Conditional Use**

DATE: August 15, 2006

I MEETING DATE August 22, 2006

II REQUEST

A. Proposal:

The Hill Family Investments, Inc. is requesting approval of a modification of its existing minor conditional use in order to add eleven (11) dock slips and provide seventy (70) parking spaces for the property known as Key Largo Fisheries.

B. Location:

1. The property is located in Key Largo at mile marker 99.5.
2. The address is 1313 Ocean Bay Drive
3. Legal Description:
Lots 1,2,3,4 and 5 in Block 9, Key Largo Beach Addition
4. RE Number (s): 00502890.000000, 00502900.000000, 00502830.000100, 00502870.000000

C. Applicant:

1. Owner: Hill Family Investments, Inc.
2. Agent: The Craig Company

III PROCESS

The applicant's commercial fishing marina is currently comprised of twenty-four (24) dock slips at one (1) floating dock and one (1) fixed dock. In addition to providing dock space for a commercial fishing fleet, the upland activities include area for fish processing, storage and retail. The commercial fishing marina expands the working waterfront and serves the commercial fishing industry. The proposed modifications include extending the existing floating dock and adding eleven (11) boat slips thereto for a total of 35 slips at the site. Up to three (3) of the proposed new slips will accommodate charter boats. Additionally, 70 parking spaces are proposed.

1 Since Key Largo Fisheries is a working commercial fishing marina, there is a seasonal need
2 for trap storage. The applicant is requesting a 15 foot waiver be granted to the required
3 twenty-five (25) foot front yard setback to permit a 10 foot setback for that portion of the
4 property currently used for storage and located to the East of the main parking area on the
5 marina parcel along Ocean Way. This waiver request must go to the Planning Director for
6 approval.
7

8 **IV PRIOR COUNTY ACTIONS**

9

10 *Board of County Commissioners of Monroe County Ordinance 017-2005*, an interim
11 development ordinance (IDO) deferring the acceptance of development applications for the
12 redevelopment and conversion of marine facilities including commercial marinas and the
13 working waterfront until land development regulations and comprehensive plan amendments
14 are drafted.
15

16 *Pursuant to Monroe County Code Sections 9.5-352(h) and 9.5-353* in connection with the
17 pending Amendment to a Minor Conditional Use application filed with the County for the
18 modification of the Key Largo Fisheries Parcel a Parking Agreement between *Hill Family*
19 *Investments, Inc.* a Florida corporation and *Monroe County*, a political subdivision of the
20 State of Florida was agreed upon. The parties agree to off-site parking approval for the
21 applicants employees, lessees, invitees and patrons. Upon issuance of the permits the
22 applicant will construct and maintain the parking facility. The County shall have the right to
23 proceed at law or in equity to compel compliance with the terms hereof or to prevent the
24 violation or breach of any of them. The failure to enforce any right, reservation, restriction or
25 condition shall be considered a breach.
26

27 **V BACKGROUND INFORMATION**

28

- 29 A. Size of Site:
30 (i). *Key Largo Fisheries*
31 71,259 square feet or approximately 1.64 acres
32 (ii). *Off-Site Parking*
33 20,700 square feet or approximately .48 acres
34
- 35 B. Land use District:
36 *Site and Off-Site Parking*
37 Commercial Fishing Special District 5 (CFSD 5)
38
- 39 C. Future Land Use Designation:
40 *Site and Off-Site Parking*
41 Mixed Use Commercial Fishing (MCF)
42
- 43 D. Proposed Tier Designation:
44 Tier III – Infill Area
45
- 46 E. Existing Vegetation / Habitat:

1 *Key Largo Fisheries*

2 Scarified with one Mahogany tree, one coconut and several Areca palm trees.

3 *Off Site Parking*

4 Scarified.

5
6 F. Community Character of Immediate Vicinity:

7 Commercial fishing trap lots to the East with housing development beyond; Lake
8 Largo to the North with two (2) marinas and commercial business, including
9 restaurant and dive shop at the North of the lake; undeveloped to the South and
10 West.

11
12 **VI REVIEW OF APPLICATION and FINDINGS OF FACT**

13
14 *Major issues of concern with the application:*

15
16 This is an Amendment to a Minor Conditional use. The standard for review is Section 9.5-65.
17 Key Largo Fisheries has a land use designation of Commercial Fishing Special District 5 (CFSD
18 5) (Key Largo) and is a Working waterfront according to the Board of County Commissioners
19 (BOCC) Ordinance 017-2005.

20
21 The applicant would like to add eleven (11) docks. This would be an as-of-right privilege if all
22 the new docks were for Commercial Fishing purposes. However, the intent of Key Largo
23 Fisheries is to use eight (8) of these new slips for non-commercial fishing uses.

24
25 The BOCC Ordinance 017-2005 Sec. 9.5-185 1(e) states, “Working waterfront” shall mean a
26 parcel or parcels of real property that are used for water dependent boatyards, wet storage of
27 boats and vessels, commercial fishing vessel dockage. The term does not include commercial
28 marinas providing dockage for pleasure watercraft.” Under this definition, Key Largo Fisheries
29 is a Working Waterfront.

30
31 Resolution 241-2006 was passed on 6/21/06 extending the IDO until April 21, 2007 or until
32 regulations are adopted.

33
34 Sec. 9.5-185 5(c) states, The Ordinance shall be applicable to redevelopment and conversion of
35 existing uses and structures which involve any modification, improvements or expansions of
36 existing marine facilities which would diminish public access or result in a loss or working
37 waterfront. Therefore, nothing in this conditional use permit can diminish public access or result
38 in a loss of working waterfront. Staff finds that the proposed conditional use permit shall not
39 diminish public access or result in a loss of working waterfront. This means that all of existing
40 docks which are used for commercial fishing purposes shall continue to be used for commercial
41 fishing.

42
43 Sec. 9.5-185 5(d) states, The Ordinance shall be applicable to redevelopment and conversion of
44 existing uses and structures which involve any change of use of a parcel of parcels of working
45 waterfront to a commercial marina or a non-water dependent use. Staff finds that this
46 conditional use permit is going to allow up to eight (8) docks to be used for non-commercial

1 fishing purposes, however, Key Largo Fisheries shall remain a commercial fishing enterprise
2 and working waterfront.

3
4 Sec. 9.5-185 4(a)(2) states, none of the restrictions set forth in this Ordinance shall prevent
5 issuance of a permit for general maintenance, repair and/or safety improvements, nor for any
6 modification, improvement or expansion to an existing marine facility that does not result in the
7 loss of working waterfront.

8
9 As long as all existing docks continue to be used for working waterfront/ commercial fishing and
10 only eight of the proposed eleven (11) docks are used for private pleasure vessels this
11 amendment to a conditional use permit may be approved.

12
13 A. *Consistent with the purposes, goals, objectives and standards of the*
14 *comprehensive plan and the land development regulations.*

15
16 1. Purpose of the Land Use and Future Land Use Districts:

17 Uses permitted as of right include fish houses (defined as commercial
18 establishments that buy and sell, at wholesale and/or retail, seafood
19 products, bait, ice, fuel, and other products and services required by the
20 commercial fishing industry). Working waterfront and commercial
21 fishing are within the purposes of the land use district and future land use
22 district.

23
24 2. Specific Goals and Objectives of the Plan:

25 Goal 212 of the Comprehensive Plan states that Monroe County shall
26 prioritize shoreline land uses and establish criteria for shoreline
27 development in order to preserve and enhance coastal resources and
28 ensure the economic viability of the County. Objectives 212.1 – 212.3
29 specify these goals and prompted the Working Waterfront BOCC IDO.

30
31 B. *Consistent with the community character of the immediate vicinity.*

32 The community character in the immediate vicinity is a mix of marinas,
33 residential, restaurant, retail and commercial business.

34
35 C. *Minimizes adverse effects on adjacent properties.*

36 The project minimizes adverse effects on adjacent properties by providing
37 bufferyards.

38
39 D. *No adverse impact on the value of surrounding properties.*

40 Staff has no evidence that the project will have an adverse impact on the value of
41 surrounding properties.

42
43 E. *Adequate public facilities and services:*

44
45 1. Roads:

46 a. Localized impacts and access management:

1 It is assumed that the maximum trip length would be
2 approximately 20 miles. The average trip length was assumed to be
3 half of the maximum trip length, or 10 miles. This project will add
4 approximately 38 new daily trips.
5

6 b. Major road Level of Service:

7 According to Monroe County's 2005 Level of Service and Reserve
8 Capacity Table, Segment Number 23 has 8,446 trips of reserve
9 capacity. Therefore, US 1 through Key Largo has excess capacity
10 to absorb the maximum impacts generated by the project.
11

12 2. *Stormwater:*

13 A stormwater management plan was not submitted as a part of the
14 conditional use application. This plan must be included with any
15 application for a building permit. The plan shall be reviewed for
16 compliance by the County Engineer.
17

18 3. *Sewer:*

19 Wastewater treatment for the applicant is accomplished by existing septic
20 tanks. Pumpout facilities for boats are available at locations along the
21 Lake Largo basin.
22

23 4. *Emergency Management:*

24 A letter of coordination was sent from the Fire Marshall dated November
25 16, 2005. The requests of the Fire Marshall shall be met to determine
26 compliance with 9.5-69.
27

28 F. *Applicant is financially able to complete the project.*

29 **In compliance.**
30

31 G. *Archaeological, historical, or cultural impact:*

32 No significant impact.
33

34 H. *Preservation of public access to public beaches or other waterfront areas:*

35 **In compliance.**
36

37 I. *Complies with all additional standards.*
38

39 1. Density/Intensity of Use, Section 9.5-269:

40
41 *The maximum nonresidential land use density in the Commercial Fishing*
42 *Special District for commercial fishing use is 40%*
43

44 Floor areas of buildings remain unchanged and are indicated on the site
45 plan. The site is developed at 51.1%. The following summarizes the site
46 utility.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Existing Development	*F.A.R.	Gross Area	Total Allowable	Existing	% of Site Utility
Commercial Fishing	.40	71,259 s.f.	28,504 s.f.	12,566 s.f.	44.1%
Retail Use (Medium Intensity)	.25	71,259 s.f.	17,815 s.f.	680 s.f.	3.8%
Office Use (Medium Intensity)	0.40	71,259 s.f.	28,504 s.f.	916 s.f.	3.2%

*F.A.R. = Floor Area Ratio

2. Open Space:
The land use district minimum open space ratio for the site is 0.20 or 14,252 sq. ft. The site plan indicates proposed open space of 20.1% for the site (14,323 sq. ft.). The minimum open space ratio for the off-site parking is 0.20 or 4,140 sq. ft. The site plan indicates proposed open space of 50.03% for the off-site parking (10,356). The proposed development is consistent with Sections 9.5-269 and 9.5-343.
3. Landscaping:
A: Land use district boundary buffers
The subject parcels are located within the CFSD-5 land use district and share boundaries with the IS and SR land use districts. These boundary areas will require vegetative buffers. The submitted plan includes the required Class “H” buffers per Monroe County Code and the Letter of Understanding dated January 28, 2003.

B: Parking lot landscaping
The CFSD-5 land use district is not required to provide parking lot landscaping.
4. Parking:
With the addition of eleven (11) new boat slips to the existing 24 slips for a total of 35 slips, one parking space is required for each of the 32 slips and 2 parking spaces are required for each of three (3) slips for charter boat use for a total of 38 parking spaces. Seventy (70) total parking spaces are required for the site and are provided as shown on the site plan. The parking area on the site will be gravel, except for handicapped parking spaces and accessible routes which will be concrete. Pursuant to Section 9.5-352, all pervious surface parking spaces shall have a wheel stop, bumper blocks or similar barriers to designate each parking space.

Three (3) of the seventy (70) parking spaces are handicapped parking spaces. The handicapped spaces will conform to the provisions of the Florida Accessibility Code for Building Construction.

Thirty-four (34) of the seventy (70) parking spaces will be provided by a gravel off-site parking area located within 300 feet of, and across Ocean Way from, the site. The off-site parking area is in the same zoning district as the site, CFSD-5.

1
2 5. Letters of Coordination:

3 The applicant **has submitted** and/or received letters from the following
4 stating that a request for a Letter of Coordination has been submitted.

5 These letters **do not constitute approval**.

- 6 a. Department of Environmental Protection (DEP) dated 1/17/06
7 stating that Permit No. 44-0101726-002 will expire on 3/7/06.
8 Applicant must obtain a new permit before building permit is
9 issued.
- 10 b. *US Army Corps of Engineers* dated 12/09/06 letter of
11 permission coordination. Permit Application No. 1999-1720.
- 12 c. *South Florida Water Management District* dated 11/21/05 stating
13 that an Environmental Resource Permit will be required.
- 14 d. *Florida Keys Electric Cooperative Association (FKEC), Inc* dated
15 11/21/05 stating that applicant must obtain all necessary
16 governmental permits.
- 17 e. *Florida Department of Transportation* dated 11/18/05 stating that
18 project is not required to be permitted since property does not
19 include direct access to US 1.
- 20 f. *Monroe County Fire Rescue* dated 11/16/05 stating that a copy of
21 letter of coordination with FKAA, Engineering Dept. regarding fire
22 hydrant installation and adequate fire flow for fire sprinkler system
23 per project requirements.
- 24 g. *Florida Department of Health* dated 11/15/05 stating that
25 applicant must comply with minimum requirements.
- 26 h. *Florida Keys Aqueduct Authority* dated 11/4/05 stating that
27 preliminary coordination process has begun.
- 28 i. *US Fish and Wildlife Service* dated 11/8/05 submittal of
29 application for letter of coordination and application.
30

31
32 **VII RECOMMENDED ACTION:**

33
34 Planning Staff has proposed that the following conditions be attached to the Amendment to a
35 Minor Conditional Use Permit:
36

- 37 1. Applicant shall apply for a waiver from the Planning Director for the required twenty-
38 five (25) foot front yard setback to permit a ten (10) foot setback for that portion of the
39 property currently used for trap storage.
40
- 41 2. Applicant shall use only up to eight (8) of the new slips for non-commercial fishing
42 activity such as mooring pleasure craft. These slips shall be marked with signage stating
43 they are intended for such use. The remaining slips shall be marked stating that they are
44 not to be used for non-commercial fishing activity.
45

- 1 3. Applicant shall not decrease the existing working waterfront and commercial fishing as
2 defined by BOCC IDO 017-2005.
3
- 4 4. Applicant shall obtain all letters of coordination prior to issuance of a building permit,
5 particularly from DEP, FKEC, the County Engineer and US Fish and Wildlife.
6
- 7 5. Wheel stops, bumper blocks or similar barriers to designate each parking space shall be
8 provided in the gravel parking area.
9

10 **VIII RECOMMENDATIONS**

- 11
- 12 A. Staff Recommends approval to the Development Review Committee if all the
13 above conditions are met.
- 14 B. Development Review Committee Recommendation to the Planning Director: To
15 be determined at the August 22, 2006 DRC meeting.
16

17 **IX PLANS REVIEWED**

18

Sheet #	Title	By	Date	Revised	Received
A-1	Proposed Site Plan	William P. Horn	8/4/05	9/1/05 11/22/05	4/11/06
	Stormwater Management Plan	William P. Horn	2/28/06		4/11/06
	Sketch of Survey	Hal Thomas	5/4/87		
	Map of a Boundary Survey	P.G. Battle	12/12/03		4/11/06